

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|------------------------|---|-------------------|
| In re: |) | |
| |) | Case No. 20-10313 |
| JAMES MICHAEL STRITCH, |) | Chapter 13 |
| |) | |
| Debtor. |) | |
| |) | |
| |) | |
| |) | |

**NATIONAL FUNDING INC.'S MOTION FOR LEAVE TO FILE A POST-DEADLINE
PROOF OF CLAIM**

National Funding, Inc. ("National Funding") by and through its attorney, Gordon Rees Scully Mansukhani, LLP, hereby files National Funding Inc.'s Motion for Leave to File a Post-Deadline Proof of Claim and states as follows:

1. On or about April 14, 2017, James Stritch ("Debtor") executed a personal guarantee for the benefit of National Funding in connection with a commercial loan made to Debtor's company, JSA Mechanical, Inc. ("JSA")

2. Four months later, on August 17, 2017, JSA defaulted on the loan, leaving an outstanding balance of \$106,947.40.

3. In accordance with the venue provisions of the loan and related guarantee, National Funding filed suit against JSA and Debtor in California and obtained a judgment on January 17, 2018 in the amount of \$114,229.49 ("Judgment")

4. National Funding domesticated the Judgment in the Commonwealth of Pennsylvania on May 7, 2018 by filing an exemplified copy of the Judgment in the Delaware County Court of Common Pleas in the amount of \$117,363.02 ("PA Judgment"), which included post judgment interest from the date of the Judgment at the rate of 10% in accordance with

California law.

5. Debtor filed the instant case as a Chapter 7 on January 16, 2020 (“Petition Date”).

[Doc. 1]

6. National Funding was not listed as a creditor in the original Chapter 7 filing and did not receive notice of bankruptcy. [Doc. 1]

7. The case was converted to a Chapter 13 on May 13, 2020 (“Conversion Date”).

National Funding did not receive notice of the Conversion. [Doc. 50]

8. National Funding did not receive notice of any claims bar date and is not included on the proof of service on the claims bar date notice. [Doc. 56]

9. National Funding first learned of Debtor’s bankruptcy on February 22, 2021. As part of a file review of older judgments to review for collectability and further enforcement measures, National Funding’s Corporate Counsel conducted a pacer search to see if there were any bankruptcy filings. It was at that time that National Funding first learned of the bankruptcy filing by Debtor.

10. To avoid any further delay or the risk of any prejudice, National Funding filed its claim the following day on February 23, 2021.

11. National Funding filed its claim as secured based on the filing of its judgment lien. Although Debtor has filed a motion to avoid National Funding’s judgment lien, if National Funding’s lien remains secured, its lien would remain on Debtor’s real property regardless of the claim being filed after the bar date.

12. However, National Funding respectfully requests that its late filed claim be permitted pursuant to Fed. R. Bank. P. 3002(c)(6)(A) as notice to National Funding regarding the existence of Debtor’s bankruptcy was not just insufficient, it was non-existent.

13. There is no harm to creditors, Debtor, or Debtor's Estate in the granting of this Motion.

WHEREFORE, National Funding requests that the Court enter an Order deeming National Funding's claim timely filed or, alternatively, granting leave to National Funding to file a Proof of Claim within fourteen (14) days of the Order, and for such further legal or equitable relief this Court deems just and appropriate.

Date: March 24, 2021

Respectfully Submitted,

GORDON REES SCULLY MANSUKHANI, LLP

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ATTORNEYS FOR NATIONAL FUNDING INC.

CERTIFICATE OF SERVICE

I, the undersigned hereby certify that a true and accurate copy of the foregoing document has been duly and properly served upon all counsel herein by way of electronic filing on the Court's ECF Notice List on March 24, 2021.

/s/ Annie Matthews

Annie Matthews